

**Introduced by Committee on Natural Resources and Water
(Senators Kuehl (chair), Aanestad, Kehoe, Lowenthal,
Machado, Margett, and Migden)**

March 7, 2006

An act to amend Sections 30233, 30265, 30333.1, and 30333.2 of, and to repeal Sections 30342, 30343, 30608.5, and 30713 of, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1843, as introduced, Committee on Natural Resources and Water. Coastal resources: California Coastal Act.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act. Existing law allows the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, within the coastal zone, in specified areas and under prescribed conditions.

This bill would eliminate the authority for these activities in wetland areas for entrance channels for boating facilities and in a degraded wetland for boating facilities.

The bill would also delete various obsolete provisions in the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30233 of the Public Resources Code is
2 amended to read:

1 30233. (a) The diking, filling, or dredging of open coastal
2 waters, wetlands, estuaries, and lakes shall be permitted in
3 accordance with other applicable provisions of this division,
4 where there is no feasible less environmentally damaging
5 alternative, and where feasible mitigation measures have been
6 provided to minimize adverse environmental effects, and shall be
7 limited to the following:

8 (1) New or expanded port, energy, and coastal-dependent
9 industrial facilities, including commercial fishing facilities.

10 (2) Maintaining existing, or restoring previously dredged,
11 depths in existing navigational channels, turning basins, vessel
12 berthing and mooring areas, and boat launching ramps.

13 ~~(3) In wetland areas only, entrance channels for new or~~
14 ~~expanded boating facilities; and in a degraded wetland, identified~~
15 ~~by the Department of Fish and Game pursuant to subdivision (b)~~
16 ~~of Section 30411, for boating facilities if, in conjunction with~~
17 ~~such boating facilities, a substantial portion of the degraded~~
18 ~~wetland is restored and maintained as a biologically productive~~
19 ~~wetland. The size of the wetland area used for boating facilities,~~
20 ~~including berthing space, turning basins, necessary navigation~~
21 ~~channels, and any necessary support service facilities shall not~~
22 ~~exceed 25 percent of the degraded wetland.~~

23 ~~(4)~~
24 (3) In open coastal waters, other than wetlands, including
25 streams, estuaries, and lakes, new or expanded boating facilities
26 and the placement of structural pilings for public recreational
27 piers that provide public access and recreational opportunities.

28 ~~(5)~~
29 (4) Incidental public service purposes, including, but not
30 limited to, burying cables and pipes or inspection of piers and
31 maintenance of existing intake and outfall lines.

32 ~~(6)~~
33 (5) Mineral extraction, including sand for restoring beaches,
34 except in environmentally sensitive areas.

35 ~~(7)~~
36 (6) Restoration purposes.

37 ~~(8)~~
38 (7) Nature study, aquaculture, or similar resource-dependent
39 activities.

1 (b) Dredging and spoils disposal shall be planned and carried
2 out to avoid significant disruption to marine and wildlife habitats
3 and water circulation. Dredge spoils suitable for beach
4 replenishment should be transported for ~~such~~ *these* purposes to
5 appropriate beaches or into suitable longshore current systems.

6 (c) In addition to the other provisions of this section, diking,
7 filling, or dredging in existing estuaries and wetlands shall
8 maintain or enhance the functional capacity of the wetland or
9 estuary. Any alteration of coastal wetlands identified by the
10 Department of Fish and Game, including, but not limited to, the
11 19 coastal wetlands identified in its report entitled, "Acquisition
12 Priorities for the Coastal Wetlands of California", shall be
13 limited to very minor incidental public facilities, restorative
14 measures, nature study, commercial fishing facilities in Bodega
15 Bay, and development in already developed parts of south San
16 Diego Bay, if otherwise in accordance with this division.

17 For the purposes of this section, "commercial fishing facilities
18 in Bodega Bay" means that not less than 80 percent of all boating
19 facilities proposed to be developed or improved, where ~~such~~ *the*
20 improvement would create additional berths in Bodega Bay, shall
21 be designed and used for commercial fishing activities.

22 (d) Erosion control and flood control facilities constructed on
23 watercourses can impede the movement of sediment and
24 nutrients ~~which~~ *that* would otherwise be carried by storm runoff
25 into coastal waters. To facilitate the continued delivery of these
26 sediments to the littoral zone, whenever feasible, the material
27 removed from these facilities may be placed at appropriate points
28 on the shoreline in accordance with other applicable provisions
29 of this division, where feasible mitigation measures have been
30 provided to minimize adverse environmental effects. Aspects that
31 shall be considered before issuing a coastal development permit
32 for ~~such~~ *these* purposes are the method of placement, time of
33 year of placement, and sensitivity of the placement area.

34 SEC. 2. Section 30265 of the Public Resources Code is
35 amended to read:

36 30265. The Legislature finds and declares all of the
37 following:

38 ~~(a) Offshore oil production will increase dramatically in the~~
39 ~~next 10 years from the current 80,000 barrels per day to over~~
40 ~~400,000 barrels per day.~~

1 ~~(b)~~

2 (a) Transportation studies have concluded that pipeline
3 transport of oil is generally both economically feasible and
4 environmentally preferable to other forms of crude oil transport.

5 ~~(c)~~

6 (b) Oil companies have proposed to build a pipeline to
7 transport offshore crude oil from central California to southern
8 California refineries, and to transport offshore oil to out-of-state
9 refiners.

10 ~~(d)~~

11 (c) California refineries would need to be retrofitted if
12 California offshore crude oil were to be used directly as a major
13 feedstock. Refinery modifications may delay achievement of air
14 quality goals in the southern California air basin and other
15 regions of the state.

16 ~~(e)~~

17 (d) The County of Santa Barbara has issued an Oil
18 Transportation Plan ~~which~~ *that* assesses the environmental and
19 economic differences among various methods for transporting
20 crude oil from offshore California to refineries.

21 ~~(f)~~

22 (e) The Governor should help coordinate decisions concerning
23 the transport and refining of offshore oil in a manner ~~which~~ *that*
24 considers state and local studies undertaken to date, ~~which~~ *that*
25 fully addresses the concerns of all affected regions, and ~~which~~
26 *that* promotes the greatest benefits to the people of the state.

27 SEC. 3. Section 30333.1 of the Public Resources Code is
28 amended to read:

29 30333.1. (a) The commission shall, ~~within six months of the~~
30 ~~effective date of this section,~~ *periodically* review its regulations
31 and procedures and determine what revisions, if any, are
32 necessary and appropriate to simplify and expedite the review of
33 any matter that is before the commission for action pursuant to
34 this division. The commission shall ~~within 60 days thereafter,~~
35 implement any ~~such~~ revisions it determines to be appropriate,
36 ~~including, but not limited to, a simplified application form for~~
37 ~~development pursuant to which a permit could be issued pursuant~~
38 ~~to Section 30624 and procedures that allow reasonable rebuttal~~
39 ~~time prior to the final vote for both applicants and appellants, if~~
40 ~~either so requests, in permit matters where new factual material is~~

1 brought up and where equity would not be served unless such
2 person is provided that rebuttal opportunity.

3 ~~(b) After the initial review required by this section has been~~
4 ~~completed, the commission shall thereafter periodically conduct~~
5 ~~similar reviews so that its regulations and procedures may~~
6 ~~continue to be as simple and expeditious as practicable.~~

7 SEC. 4. Section 30333.2 of the Public Resources Code is
8 amended to read:

9 30333.2. Notwithstanding any other provision of this code or
10 of law and except as provided in the State Building Standards
11 Law, Part 2.5 (commencing with Section 08901) of Division 13
12 of the Health and Safety Code, ~~on and after January 1, 1980, the~~
13 ~~commission shall not adopt nor publish a building standard, as~~
14 ~~defined in Section 18909 of the Health and Safety Code, unless~~
15 ~~the provisions of Sections 18930, 18933, 18938, 18940, 18943,~~
16 ~~18944, and 18945 of the Health and Safety Code are expressly~~
17 ~~excepted in the statute under which the authority to adopt rules,~~
18 ~~regulations, or orders is delegated. Any A building standard~~
19 ~~adopted in violation of this section shall have no force or effect.~~
20 ~~Any building standard adopted before January 1, 1980, pursuant~~
21 ~~to this code and not expressly excepted by statute from those~~
22 ~~provisions of the State Building Standards Law shall remain in~~
23 ~~effect only until January 1, 1985, or until adopted, amended, or~~
24 ~~superseded by provisions published in the State Building~~
25 ~~Standards Code, whichever occurs sooner. Any A building~~
26 ~~standard expressly required by a provision of federal law,~~
27 ~~specifically requiring that building standard, shall be adopted and~~
28 ~~published in the State Building Standards Code within the time~~
29 ~~required by federal law.~~

30 SEC. 5. Section 30342 of the Public Resources Code is
31 repealed.

32 30342. ~~The commission shall evaluate progress being made~~
33 ~~toward implementation of the provisions of this division and~~
34 ~~shall submit a report to the Governor and Legislature on January~~
35 ~~1st of every other year, commencing on January 1, 1979.~~

36 SEC. 6. Section 30343 of the Public Resources Code is
37 repealed.

38 30343. ~~(a) The Legislature finds that scientific studies and~~
39 ~~technical data relevant to resources located within the coastal~~
40 ~~zone and the Outer Continental Shelf are often fragmented,~~

1 uncoordinated, and stored in widely dispersed places. The
2 Legislature hereby finds and declares that in order to provide
3 state and local government agencies with integrated, coordinated
4 studies and data widely needed to carry out consistency review in
5 regard to the federal Outer Continental Shelf oil leasing policies
6 and programs and for local governments to implement their local
7 coastal programs, it is necessary to provide a central storage and
8 clearinghouse facility.

9 (b) The commission shall, not later than July 1, 1984, establish
10 a coastal resource information center. The center shall develop a
11 pilot program that will do the following:

12 (1) Store existing studies and data pertaining to marine,
13 estuarine, and terrestrial environments.

14 (2) Integrate and coordinate the material to provide a referral
15 service for ongoing studies and a data base for policy decisions.

16 (3) Carry out those functions through the use of an automated
17 data storage and retrieval system, tying in with existing
18 compatible systems.

19 (c) The center shall produce reports free of charge, where
20 feasible, and where it is not feasible, at a reasonable cost, to any
21 governmental agency, and at a reasonable cost to members of the
22 private sector, in order to further the wise use of all relevant
23 knowledge and to avoid costly duplication of studies and data
24 gathering.

25 (d) The commission shall utilize innovative techniques for the
26 establishment of the center. To this end, the commission is
27 encouraged to enlist the voluntary assistance of private and
28 public organizations with appropriate expertise. In addition, the
29 commission shall seek grants from private and public institutions
30 to augment its limited funding.

31 SEC. 7. Section 30608.5 of the Public Resources Code is
32 repealed.

33 30608.5. The Legislature recognizes the unique
34 circumstances applicable to Chapter 2.5 (commencing with
35 Section 30150) because the coastal zone additions proposed
36 therein are primarily intended to ensure application of the
37 planning requirements of this division within such areas.
38 Accordingly, no person who proposes a development on land
39 which is added to the coastal zone by Chapter 2.5 (commencing
40 with Section 30150) and who prior to July 1, 1979, has obtained

1 from the city or county of jurisdiction a building permit, grading
2 permit, tentative map approval, or other similar permit defining
3 the scope of the development to be undertaken, shall be required
4 to obtain a coastal development permit in order to proceed with
5 or complete the authorized development. The provisions of this
6 section shall apply only to developments actually completed or
7 where substantial work has actually been undertaken prior to July
8 1, 1981. The provisions of this section shall apply even in the
9 event that completion of development is contingent upon
10 subsequently obtaining one or more additional permits, licenses,
11 or other entitlements from appropriate public agencies.

12 SEC. 8. Section 30713 of the Public Resources Code is
13 repealed.

14 30713. Ports having completed a master plan prior to January
15 1, 1977, shall submit a copy thereof to the commission and hold
16 a public hearing in accordance with the provisions of Section
17 30712 for the purpose of reviewing such master plan for
18 conformity with the applicable provisions of this division and, if
19 necessary, adopting such changes as would conform such plan to
20 the applicable provisions of this division. Notice of completion
21 of a master plan shall not be filed prior to January 2, 1977.